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Kathryn Firestone is director of the School Funding Defense Foundation now and was head of the Oregon PTA in 2000. She said some people in 2000 may have thought the measure didn't require more funding, but she did after reading the clear text of the measure in the Voters' Pamphlet.

If Measure 1 does have unintended consequences, it wouldn't be the first time for a voter initiative. Critics have long said voters never intended for Measure 5 to drastically cut school spending but rather believed the rhetoric that the state would make up for any shortfall in local property tax revenue. Many of the voters who passed Measure 11's tough mandatory sentences didn't intend to decimate other state spending by sinking hundreds of millions of dollars in new jails. Other critics say that voters for Measure 37 didn't intend for developers to use the property rights measure to create more urban sprawl.

Firestone acknowledges that it may be possible for the Legislature to slip out of the Measure 1 knot by passing bills to lower what it defines as "quality goals established by law." But the redefinition of quality would also not likely apply to the past three biennial budgets, leaving the Legislature still on the hook for billions in current and past underfunding.

The Legislature could not arbitrarily change its quality definition. Measure 1 would require the Legislature to set up a methodology to justify a lower quality education and report on what impact reduced spending would have on school quality and student performance. That could prove politically embarrassing for politicians, Firestone said. "That's a difficult argument to make to the constituency to say, 'Oh sorry, we didn't really mean a quality education model, we meant a mediocre model.'"

The school districts and their supporters also have

another constitutional argument. A section of the Oregon Constitution requires the Legislature to "provide by law for the establishment of a uniform and general system of Common schools." The schools argue that this section implies a requirement that school funding be adequate. The state argues in its brief that the constitutional section "does not pertain to school funding at all" and cites court precedents to back up its argument.

Schools in other states have had success arguing that their constitutions contained an implied requirement that school funding be adequate. But many of those lawsuits relied on a constitutional provision requiring a "thorough and efficient" education or similar language. The wording in Oregon's Constitution appears to offer weaker protection for schools.

Garnishing Child Support

Like a deadbeat dad driving a Porsche while ignoring his child support payments, the Legislature *can* afford to pay more to help kids, plaintiffs argue. While school support dropped precipitously in the 1990s, Oregon's economy was booming. In 1992 Oregon ranked 11th in education spending measured as a percentage of the average personal incomes of state residents. By 2002 that ranking had fallen to 34th.

Over the past decade the Legislature has prioritized

spending on prisons and corporate tax breaks over education. Oregon now ranks sixth nationally in per capita spending on building prisons and has the lowest corporate taxes in the nation, with many big companies paying only \$10 a year in corporate income taxes.

But spending on education could help reduce crime, create jobs and boost revenues, the schools argue. Their brief points to a state study showing that 80 percent of prison inmates are high school dropouts, costing the state an average of \$23,000 per inmate per year. High school drop outs are twice as likely to be unemployed, and when they do have a job, earn about 30 percent less than graduates. Overall, dropouts are a net drain on state revenues of an average of \$8,460 each, demanding far more in social, health care and correctional services than they contribute to the state. By comparison, educated college graduates contribute a net \$8,250 to the state.

Studies also show that better schools boost the economy by increasing property values and attract quality workers and employers in addition to directly providing good local jobs.

The Oregon Legislature could increase low taxes on wealthy corporations and individuals to fund its obligation to its kids' education — just suspending the kicker tax break refund for big corporations and the wealthiest 20 percent would generate about \$800 million this year. But the Legislature could also balk at raising taxes and instead cut higher education, health plans or other social spending that education supporters also support. Right now K-12 already consumes about 43 percent of the state budget pie.

Firestone admits that people "have concerns" that the Legislature may react by cutting "vital services," but she says that with education so important, "we're at risk doing nothing." Giving a child a quality education is

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—Kathryn Firestone, Oregon School Funding Defense Foundation



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